

REMARKS

Applicants have amended Figure 1 and the specification to include numerical element 12. Applicants have amended claims 9 and 10, and canceled claim 11. New independent claim 17 includes all elements of claims 9, 13 and 14. The claims now include eight total claims including two independent claims. No fee is due for excess claims.

Drawings

The Examiner objects to the drawings because they do not illustrate the “rupture starters.” The rupture starter is an element of claim 14, and is described on page 3, lines 4-7. Enclosed is a replacement sheet that shows the rupture starter as element number 12. Applicants request acceptance of the amended drawings and admission of the replacement sheet. Applicants submit that the drawings are now in order.

Specification

In light of the replacement sheet, please substitute the paragraph beginning on page 3, line 4 and ending on page 3, line 7 with the following replacement paragraph:

In a particular variant, the deformable portion and the breakable portion of the base together form a single part of staircase shape having rupture starters 12 formed therein.

The specification now conforms to the amended drawings.

112 Rejection

The Examiner objects to claims 10 and 11, and argues “one-half a width of a human head” is indefinite. Applicants have amended claim 10 to read “about 65 mm,” and canceled claim 11. Support for this amendment is found in claim 11, in which the

width of a human head is described as about 130 mm and on page 2, lines 7-9. One-half a width of a human head is therefore 65 mm. Claim 10 is no longer indefinite.

102 Rejection

The Examiner has rejected claims 9, 12 and 13 as anticipated by US 4,973,102 to Bien. Anticipation exists where each and every material element of a claim is found in a single reference. Applicants do not believe Bien discloses all elements of the amended claims.

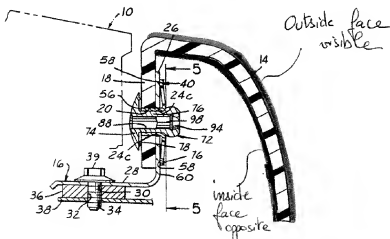
Claim 9 of the present application describes a fender support adapted to hold a fender “at a distance from the rigid part of the vehicle” and a support sheet that “conforms to the inside face of the fender near the top edge” and “supporting the top edge of the fender.” Claim 13 includes a base that supports the support areas of the support sheet and the base includes a deformable portion and a breakable portion. Claim 14 describe the portions as formed from a single part having a staircase shape including a rupture zone. New claim 17 includes all limitations of claims 9, 13 and 14.

Bien discloses an automobile body having a metal substructure, and includes a metal mounting strip sub-assembly for attaching a plastic panel to the metal substructure. Bien discloses a mounting strip 16 to secure a molded plastic fender 14 to frame members 36 and 38 of a vehicle body frame 10. The assembly allows the fender to slide relative to the body frame in order to accommodate the different thermal expansion characteristics of the fender and the body frame (column 3, lines 9-17). Bien lacks at least (1) a support sheet that supports the top edge of the fender, (2) a base having a deformable portion and a breakable portion, and (3) a base having a staircase shape

including a rupture zone. Lacking any one of these structures precludes Bien from anticipating claims 9, 13, 14 or 17.

1. Claim 9 requires the fender support to have a support sheet. Bien lacks a support sheet as defined in the application. Claim 9 defines a "support sheet comprising support areas which substantially conforms to the inside face of the fender." The inside face is defined as opposite to an outside face that is visible on an exterior of the vehicle. As a result, the support sheet conforms to a face that is opposite to an outside face visible on an exterior of the vehicle.

The Examiner argues that Bien discloses support areas 24 (upright flange 26 of the metal angle 16). According to figures 6 and 4 of Bien, support areas 24 conform to the plastic panel 18. The plastic panel 18 does not include a face that is opposite to an outside face visible on an exterior of the vehicle of Bien in that both faces of the plastic panel 18 are hidden and are not visible from the outside of the vehicle. This can be seen on the drawing below, which has been highlighted to show the outside and inside faces of Bien.



Consequently, the support areas 24 of Bien do not substantially conform to an inside face of the fender, opposite to an outside face visible on an exterior of the vehicle. Bien lacks "a support sheet comprising support areas spaced apart from each other and each of which substantially conforms to the inside face".

Even assuming the Bien upright flange 26 is a support sheet, the flange 26 does not conform to the inside face of the fender (see above) and it does not support the top edge of the fender. The flange 26 only supports the plastic panel 18 which is not the top edge of the fender. The top edge of the fender is the area of the fender that can be hit by the head of a pedestrian. The plastic panel cannot be hit since it is hidden. Lacking at least one element of claim 9, Bien cannot anticipate the invention. All remaining claims are allowable as depending from claim 9. Claim 17 is allowable because it includes all elements of claim 9.

2. Regarding claim 13, Bien lacks a "base having a deformable portion and a breakable portion." In Bien, the mounting strip 16 is made metal (column 5, lines 58-68) such that once the strip is mounted in the body frame, it "becomes a part of the vehicle substructure" (Col. 5, lines 66-68). In other words, the strip 16 is as rigid as the substructure, and is not deformable or breakable as meant by the present application. The metal strip is not capable of absorbing the impact energy as described in claim 13. Bien does not anticipate claim 13. Claim 17 is allowable because it includes all elements of claim 13 and its base claim.

3. Claim 14 includes a base having "a staircase shape including a rupture zone." Bien nowhere describes a staircase shape or a rupture zone. Bien does not anticipate

claim 14. Claim 17 is allowable because it includes all elements of claim 14, its base claim, and any intervening claims.

103 Rejection

The Examiner has rejected claims 10 and 11 as obvious in light of Bien; claim 14 as obvious over Bien in view of US 2003/0173802 to Kubota; and claims 15 and 16 as obvious over Bien in view of US 6,641,191 to Berger. Claim 10 and 14-16 depend from claim 9 and are allowable as depending from an allowable claim. Claim 11 has been canceled.

Applicants submit pending claims 9-10 and 12-17 are allowable and the application is in condition for allowance. Early and favorable action is earnestly solicited.

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